

**2013**  
**CUMULATIVE SUPPLEMENT**  
**TO**  
**MISSISSIPPI CODE**

**1972 ANNOTATED**

**Issued September 2013**

**CONTAINING PERMANENT PUBLIC STATUTES OF MISSISSIPPI  
ENACTED THROUGH THE 2013 REGULAR SESSION  
AND 1ST AND 2ND EXTRAORDINARY SESSIONS  
OF THE LEGISLATURE**

**PUBLISHED BY AUTHORITY OF  
THE LEGISLATURE**

**SUPPLEMENTING**

**Volume 14A**

**(As Revised 2012)**

For latest statutes or assistance call 1-800-542-0957

By the Editorial Staff of the Publisher



**LexisNexis®**

## QUESTIONS ABOUT THIS PUBLICATION?

For EDITORIAL QUESTIONS concerning this publication, or REPRINT PERMISSION, please call:  
800-833-9844

For CUSTOMER SERVICE ASSISTANCE concerning replacement pages, shipments, billing or other matters, please call:

Customer Service Department at	800-833-9844
Outside the United States and Canada	518-487-3000
FAX	518-487-3584

For INFORMATION ON OTHER MATTHEW BENDER PUBLICATIONS, please call:

Your account manager or	800-223-1940
Outside the United States and Canada	518-487-3000

Copyright © 1973—2013  
by  
THE STATE OF MISSISSIPPI

---

All rights reserved.

LexisNexis and the Knowledge Burst logo are registered trademarks, and Michie is a trademark of Reed Elsevier Properties, Inc., used under license. Matthew Bender is a registered trademark of Matthew Bender Properties, Inc.

5464710

ISBN 978-0-327-09628-3 (Code set)  
ISBN 978-0-7698-5380-2 (Volume 14A)



Matthew Bender & Company, Inc.

701 E Water Street, Charlottesville, VA 22902-5389

*[www.lexisnexis.com](http://www.lexisnexis.com)*

## **User's Guide**

In order to assist both the legal profession and the layman in obtaining the maximum benefit from the Mississippi Code of 1972 Annotated, a User's Guide has been included in the main volume. This guide contains comments and information on the many features found within the Code intended to increase the usefulness of the Code to the user.



Digitized by the Internet Archive  
in 2014

## **PUBLISHER'S FOREWORD**

### **Statutes**

The 2013 Supplement to the Mississippi Code of 1972 Annotated reflects the statute law of Mississippi as amended by the Mississippi Legislature through the end of the 2013 Regular Session and 1st and 2nd Extraordinary Sessions.

### **Annotations**

Case annotations are included based on decisions of the State and federal courts in cases arising in Mississippi. Annotations to collateral research references are also included.

To better serve our customers by making our annotations more current, LexisNexis has changed the sources that are read to create annotations for this publication. Rather than waiting for cases to appear in printed reporters, we now read court decisions as they are released by the courts. A consequence of this more current reading of cases, as they are posted online on LexisNexis, is that the most recent cases annotated may not yet have print reporter citations. These will be provided, as they become available, through later publications.

This publication contains annotations taken from decisions of the Mississippi Supreme Court and the Court of Appeals and decisions of the appropriate federal courts. These cases will be printed in the following reporters:

- Southern Reporter, 3rd Series
- United States Supreme Court Reports
- Supreme Court Reporter
- United States Supreme Court Reports, Lawyers' Edition, 2nd Series
- Federal Reporter, 3rd Series
- Federal Supplement, 2nd Series
- Federal Rules Decisions
- Bankruptcy Reporter

Additionally, annotations have been taken from the following sources:

- American Law Reports, 6th Series
- American Law Reports, Federal 2nd
- Mississippi College Law Review
- Mississippi Law Journal

Finally, published opinions of the Attorney General and opinions of the Ethics Commission have been examined for annotations.

### **Amendment Notes**

Amendment notes detail how the new legislation affects existing sections.

### **Editor's Notes**

Editor's notes summarize subject matter and legislative history of repealed sections, provide information as to portions of legislative acts that have not been codified, or explain other pertinent information.

### **Joint Legislative Committee Notes**

Joint Legislative Committee notes explain codification decisions and corrections of Code errors made by the Mississippi Joint Legislative Committee on Compilation, Revision, and Publication of Legislation.

### **Tables**

The Statutory Tables volume adds tables showing disposition of legislative acts through the 2013 Regular Session and 1st and 2nd Extraordinary Sessions.

### **Index**

The comprehensive Index to the Mississippi Code of 1972 Annotated is replaced annually, and we welcome customer suggestions. The foreword to the Index explains our indexing principles, suggests guidelines for successful index research, and provides methods for contacting indexers.

### **Acknowledgements**

The publisher wishes to acknowledge the cooperation and assistance rendered by the Mississippi Joint Legislative Committee on Compilation, Revision, and Publication of Legislation, as well as the offices of the Attorney General and Secretary of State, in the preparation of this supplement.

### **User Information**

Visit the LexisNexis website at <http://www.lexisnexis.com> for an online bookstore, technical support, customer support, and other company information.

For further information or assistance, please call us toll-free at (800) 833-9844, fax us toll-free at (800) 643-1280, e-mail us at [customer.support@bender.com](mailto:customer.support@bender.com), or write to: Mississippi Code Editor, LexisNexis, 701 E. Water Street, Charlottesville, VA 22902-5389.

September 2013

LexisNexis

# **SCHEDULE OF NEW SECTIONS**

Added in this Supplement

---

## **TITLE 67. ALCOHOLIC BEVERAGES**

### **CHAPTER 1. Local Option Alcoholic Beverage Control**

- SEC.  
67-1-46. Certain holders of manufacturer's distiller's permits authorized to provide limited amounts of alcoholic beverages on premises for tasting or sampling subject to certain conditions.

## **TITLE 69. AGRICULTURE, HORTICULTURE, AND ANIMALS**

### **CHAPTER 1. Agriculture and Commerce Department; Council on Agriculture**

#### **INTERAGENCY FARM TO SCHOOL COUNCIL**

- 69-1-351. Interagency farm to school council created; composition; objectives; report [Repealed effective July 1, 2015].  
69-1-353. Definitions.

### **CERTIFICATES OF FREE SALE FOR AGRICULTURAL PRODUCTS EXPORTED FROM MISSISSIPPI**

- 69-1-371. Purpose.  
69-1-373. Definitions.  
69-1-375. Certificates of free trade for agricultural products grown or manufactured in, or distributed and sold from Mississippi; contents of request for certificate.

### **CHAPTER 5. Fairs; Stock Shows; Improvement of Livestock**

- 69-5-31. Mississippi Fair Commission authorized to hire certain law enforcement officers to provide security on state fairgrounds; powers, duties and responsibilities of officers.







# MISSISSIPPI CODE 1972

ANNOTATED

## VOLUME FOURTEEN A

---

### TITLE 67

### ALCOHOLIC BEVERAGES

Chapter 1.	Local Option Alcoholic Beverage Control .....	67-1-1
Chapter 3.	Sale of Light Wine, Beer, and Other Alcoholic Beverages .....	67-3-1

#### CHAPTER 1

#### Local Option Alcoholic Beverage Control

SEC.	
67-1-46.	Certain holders of manufacturer's distiller's permits authorized to provide limited amounts of alcoholic beverages on premises for tasting or sampling subject to certain conditions.

#### **§ 67-1-17. Unlawful possession of alcoholic beverages; seizure and sale.**

#### JUDICIAL DECISIONS

##### **1. In general.**

Section 67-1-17, providing for the seizure of unlawful alcoholic beverages, violates federal due process requirements by failing to provide for reasonable notice to the owner of a seized vehicle prior to its forfeiture. However, notice to the owner of a seized vehicle advising him of the pen-

dency of a subsequent forfeiture proceeding, provided by § 99-27-11, and the owner's opportunity to interpose a claim to the seized property prior to its forfeiture, provided by § 99-27-13, satisfy due process notice and hearing requirements. *Holladay v. Roberts*, 425 F. Supp. 61 (N.D. Miss. 1977).

#### **§ 67-1-46. Certain holders of manufacturer's distiller's permits authorized to provide limited amounts of alcoholic beverages on premises for tasting or sampling subject to certain conditions.**

The holder of a manufacturer's distiller's permit who distills alcoholic beverages at a distillery located in this state may offer and provide limited amounts of alcoholic beverages on the premises of the distillery for the purpose of tasting or sampling, subject to the following conditions:

(a) The alcoholic beverages provided for tasting or sampling must be manufactured in this state by the holder of the permit operating the distillery at the site of and on the premises of the distillery;

(b) The alcoholic beverages may be provided only to persons on the premises of the distillery at no cost and for consumption on the premises of the distillery;

(c) The alcoholic beverages may be provided for tasting or sampling between the hours of 8:00 a.m. and 10:00 p.m. on the same day and only in conjunction with a structured tour of the distillery and related facilities which must include the entire manufacturing and distilling processes and methods used at the distillery;

(d) No one under twenty-one (21) years of age may participate in the tasting or sampling, and a sign indicating that prohibition shall be placed in a visible location at the entrance to the area where the tasting or sampling will be conducted;

(e) An individual size sample of alcoholic beverages shall not exceed one-fourth (¼) ounce, and no more than four (4) samples of alcoholic beverages may be provided to an individual within a twenty-four-hour period; and

(f) The holder of the permit operating the distillery shall keep an accurate accounting of the various alcoholic beverages provided and consumed as samples.

**SOURCES: Laws, 2013, ch. 352, § 1, eff from and after passage (approved March 18, 2013.)**

**Joint Legislative Committee Note** — Pursuant to Section 1-1-109, the Joint Legislative Committee on Compilation, Revision and Publication of Legislation corrected an error by deleting the (1) designator at the beginning of the section. The Joint Legislative Committee ratified the correction at its August 1, 2013, meeting.

**CHAPTER 3**

**Sale of Light Wine, Beer, and Other Alcoholic Beverages**

SEC.	
67-3-7.	Local option elections in county.
67-3-11.	Homemade wine or beer.
67-3-13.	Prohibition against possession of light wine and beer in dry counties; penalty; exceptions.
67-3-15.	Permit and/or license required.

**§ 67-3-7. Local option elections in county.**

(1) If any county, at an election held for the purpose under the election laws of the state, shall by a majority vote of the duly qualified electors voting in the election determine that the transportation, storage, sale, distribution, receipt and/or manufacture of wine and beer shall not be permitted in such county, then the same shall not be permitted therein except as authorized

under Section 67-9-1 and as may be otherwise authorized in this section. An election to determine whether such transportation, storage, sale, distribution, receipt and/or manufacture of such beverages shall be excluded from any county in the state, shall, on a petition of twenty percent (20%) of the duly qualified electors of such county, be ordered by the board of supervisors of the county, for such county only. No election on the question shall be held in any one county more often than once in five (5) years.

In counties which have elected, or may elect by a majority vote of the duly qualified electors voting in the election, that the transportation, storage, sale, distribution, receipt and/or manufacture of wine or beer shall not be permitted in the county, an election may be held in the same manner as the election hereinabove provided on the question of whether or not the transportation, storage, sale, distribution, receipt and/or manufacture of said beverages shall be permitted in such county. Such election shall be ordered by the board of supervisors of such county on a petition of twenty percent (20%) of the duly qualified electors of such county. No election on this question can be ordered more often than once in five (5) years.

(2) Nothing in this section shall make it unlawful to possess beer or wine, as defined herein, in any municipality which has heretofore or which may hereafter vote in an election, pursuant to Section 67-3-9, in which a majority of the qualified electors vote in favor of permitting the sale and the receipt, storage and transportation for the purpose of sale of beer or wine as defined herein.

(3) Nothing in this section shall make it unlawful to:

(a) Possess or consume light wine or beer at a qualified resort area as defined in Section 67-1-5;

(b) Sell, distribute and transport light wine or beer to a qualified resort area as defined in Section 67-1-5;

(c) Sell light wine or beer at a qualified resort area as defined in Section 67-1-5 if such light wine or beer is sold by a person with a permit to engage in the business as a retailer of light wine or beer;

(d) Transport beer of an alcoholic content of more than eight percent (8%) by weight if it is being transported to another state for legal sale in that state;

(e) Transport homemade beer as authorized in Section 67-3-11.

**SOURCES:** Codes, 1942, § 10208; Laws, 1934, ch. 171; Laws, 1942, ch. 224; Laws, 1956, ch. 252; Laws, 1958, ch. 279; Laws, 1996, ch. 417, § 9; Laws, 1998, ch. 306, § 5; Laws, 2004, ch. 397, § 5; Laws, 2012, ch. 323, § 5; Laws, 2012, ch. 501, § 3; Laws, 2013, ch. 345, § 2, eff from and after July 1, 2013.

**Amendment Notes** — The 2013 amendment added (3)(e); and made a minor stylistic change.

## § 67-3-11. Homemade wine or beer.

(1) Every person shall have the right to make homemade wine for domestic or household uses only, free of all restraint by this chapter or



otherwise, and no such election as provided for in Sections 67-3-7, 67-3-9 and 67-3-13, shall deprive any person of the right to make homemade wine for domestic or household uses only.

(2)(a) Every person twenty-one (21) years of age or older shall have the right to make homemade beer for personal, family, domestic or household uses without restraint by this chapter or otherwise if the beer is made in a county or municipality in which the possession of light wine or beer is lawful.

(b) The maximum amount of homemade beer that a person may make in a calendar year shall not exceed:

(i) One hundred (100) gallons if there is only one (1) person over the age of twenty-one (21) years of age residing in the household; and

(ii) Two hundred (200) gallons if there are two (2) or more persons over the age of twenty-one (21) years residing in the household.

(c) A person who makes homemade beer as authorized in this section may remove the beer from the premises of the household where it is made and transport the beer only for the purpose of participating in a bona fide exhibition, contest or competition where homemade beer is being tasted and judged; however, homemade beer may not be sold or offered for sale under any circumstances.

**SOURCES:** Codes, 1942, §§ 10209, 10227; Laws, 1934, ch. 171; Laws, 2013, ch. 345, § 1, eff from and after July 1, 2013.

**Amendment Notes** — The 2013 amendment added (2).

### **§ 67-3-13. Prohibition against possession of light wine and beer in dry counties; penalty; exceptions.**

(1) Except as otherwise provided herein and as authorized under this section and Section 67-9-1, in any county which has at any time since February 26, 1934, elected, or which may hereafter elect, to prohibit the transportation, storage, sale, distribution, receipt and/or manufacture of wine and beer of an alcoholic content of not more than four percent (4%) by weight in such county, it is hereby declared to be unlawful to possess such beverages therein. In any county which, after July 1, 1998, elects to prohibit the transportation, storage, sale, distribution, receipt and/or manufacture of wine and beer of an alcoholic content of not more than five percent (5%) by weight in such county, it is hereby declared to be unlawful to possess such beer therein. In any county which, after July 1, 2012, elects to prohibit the transportation, storage, sale, distribution, receipt and/or manufacture of wine of an alcoholic content of not more than five percent (5%) by weight in such county and beer of an alcoholic content of not more than eight percent (8%) by weight, it is hereby declared to be unlawful to possess such beer therein. Any person found possessing any beer or wine of any quantity whatsoever in such county shall, on conviction, be imprisoned not more than ninety (90) days or fined not more than Five Hundred Dollars (\$500.00), or be both so fined and imprisoned.

(2) Notwithstanding the provisions of subsection (1) of this section, in any county or municipality in which the transportation, storage, sale, distribution, receipt and/or manufacture of light wine and beer is prohibited, it shall not be unlawful for a permitted wholesaler or distributor to possess light wine and beer when such light wine and beer is held therein solely for the purpose of storage and for distribution to other counties and municipalities in which possession of such beverages is lawful.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, in any county in which transportation, storage, sale, distribution, receipt and/or manufacture of light wine and beer is prohibited, it shall not be unlawful:

(a) To receive, store, possess or consume light wine or beer at a resort area as defined in Section 67-1-5;

(b) To distribute and transport light wine or beer to a resort area as defined in Section 67-1-5;

(c) To transport beer of an alcoholic content of more than eight percent (8%) by weight if it is being transported to another state for legal sale in that state;

(d) To transport homemade beer as authorized in Section 67-3-11.

**SOURCES:** Codes, 1942, § 10208; Laws, 1934, ch. 171; Laws, 1942, ch. 224; Laws, 1956, ch. 252; Laws, 1958, ch. 279; Laws, 1987, ch. 349; Laws, 1996, ch. 417, § 11; Laws, 1998, ch. 306, § 7; Laws, 2004, ch. 397, § 6; Laws, 2012, ch. 323, § 7; Laws, 2012, ch. 501, § 4; Laws, 2013, ch. 345, § 3, eff from and after July 1, 2013.

**Joint Legislative Committee Note** — Pursuant to Section 1-1-109, the Joint Legislative Committee on Compilation, Revision and Publication of Legislation corrected an error by adding “To” at the beginning of (d). The Joint Legislative Committee ratified the correction at its August 1, 2013, meeting.

**Amendment Notes** — The 2013 amendment added (3)(d); and made a minor stylistic change.

### § 67-3-15. Permit and/or license required.

(1) Any person who shall brew or manufacture or sell any beer or light wine without first having secured a permit and/or license from the commissioner authorizing the brewing or manufacture or sale of such liquor, shall be guilty of a misdemeanor and, upon conviction thereof, be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment in the county jail for not more than one (1) year, or both, in the discretion of the court. Any person so convicted may not apply for any permit or license issued by the commissioner until five (5) years have elapsed from the date of such conviction.

(2) This section shall not apply to beer authorized to be made pursuant to Section 67-3-11.

**SOURCES:** Codes, 1942, § 10212; Laws, 1934, ch. 171; Laws, 1997, ch. 499, § 10; Laws, 2000, ch. 435, § 8; Laws, 2013, ch. 345, § 4, eff from and after July 1, 2013.

**Amendment Notes** — The 2013 amendment added (2).

## TITLE 69

### AGRICULTURE, HORTICULTURE, AND ANIMALS

Chapter 1.	Agriculture and Commerce Department; Council on Agriculture .....	69-1-1
Chapter 2.	Mississippi Farm Reform Act .....	69-2-1
Chapter 3.	Agricultural Seeds .....	69-3-1
Chapter 5.	Fairs; Stock Shows; Improvement of Livestock .....	69-5-1
Chapter 7.	Markets and Marketing; Domestic Fish Farming .....	69-7-1
Chapter 25.	Plants, Plant and Bee Diseases .....	69-25-1

#### CHAPTER 1

##### Agriculture and Commerce Department; Council on Agriculture

Interagency Farm to School Council .....	69-1-351
Certificates of Free Sale for Agricultural Products Exported From Mississippi .....	69-1-371

##### INTERAGENCY FARM TO SCHOOL COUNCIL

SEC.	
69-1-351.	Interagency farm to school council created; composition; objectives; report [Repealed effective July 1, 2015].
69-1-353.	Definitions.

#### **§ 69-1-351. Interagency farm to school council created; composition; objectives; report [Repealed effective July 1, 2015].**

(1) There is created an Interagency Farm to School Council, to identify models and methods of promoting farm to school programs in the state in order to improve the availability of healthy, fresh foods in schools and to promote the economic development of Mississippi farmers and food producers.

(2) The council shall be composed of the following members:

(a) One (1) person who represents the State Department of Education, appointed by the State Superintendent of Public Education;

(b) One (1) person who represents the Mississippi Department of Agriculture and Commerce, appointed by the Commissioner of Agriculture and Commerce;

(c) One (1) person who represents the State Department of Health, appointed by the State Health Officer;

(d) One (1) person who represents the Mississippi State University Extension Program;

(e) One (1) person who represents the Alcorn State University Extension Program;

(f) One (1) person who represents food service directors in Mississippi public schools, appointed by the State Superintendent of Public Education;

(g) One (1) person who represents a nonprofit organization in Mississippi working to promote farm to school programs, appointed by the Commissioner of Agriculture and Commerce;



(h) One (1) person who represents poultry producers in Mississippi, appointed by the President of the Mississippi Poultry Association;

(i) One (1) person who represents the Mississippi Farm Bureau Federation.

(3) In appointing members of the council, the appointing authority shall ensure that the members reflect the diversity of this state, with members representing rural areas, urban areas and different geographical regions of the state.

(4) The council is charged with facilitating the creation and growth of farm to school programs in communities throughout the State of Mississippi through studying, recommending and administering best practices for creating farm to school programs. This can be accomplished with actions including, but not limited to:

(a) Creating and administering an assessment or survey designed to evaluate what specific programs or efforts would be the most effective in increasing the number of farm to school programs in the State of Mississippi;

(b) Helping to develop and expand local pilot farm to school programs in Mississippi;

(c) Notifying and assisting interested schools, farms, and community organizations in applying for funding sources and grants related to supporting and decreasing the cost of purchasing locally grown and locally raised agricultural products to serve in school meals;

(d) Assisting Mississippi farmers in marketing and building commercial relationships with food service directors in schools;

(e) Developing or administering training programs for Mississippi farmers related to marketing crops, food safety, processing crops, business management, liability and risk management, and any other topics deemed appropriate by the council;

(f) Working with the Mississippi Department of Education Office of Child Nutrition to assist school food service directors in creating and amending school procedures, procurement forms, proper handling, preparing and storing procedures in order to facilitate the purchase of locally grown and locally raised agricultural products to be served in school meals;

(g) Developing or assisting an organization in developing a website that lists schools and farmers interested in participating in farm to school programs, promotes farm to school events and programs throughout the state and promotes communication and sales between Mississippi farmers and schools; and

(h) Encouraging schools, community organizations, restaurants, grocery retail stores and other local organizations and businesses to purchase more locally grown and locally raised agricultural products to serve or sell through their businesses in order to support and increase local farmers' capacity to grow and produce food for commercial purposes.

(5) The council should hold its first meeting no later than August 1, 2013, with the date, time and location of this first meeting to be determined jointly by the members serving on the council. At the first meeting, the council shall

elect a chairman, vice chairman, and any other officers deemed necessary, from its members. The council shall meet periodically but no less than four (4) times per year.

(6) Members of the council shall serve without compensation or reimbursement for their expenses related to participating in the council, and the council shall function without appropriations or state funds. However, the council can accept funds that may be offered as financial grants from public or private sources. The Mississippi State Legislature and any department, division, board, bureau, commission or agency of the state, or of any political subdivision thereof, may provide, at the request of the chair of the council, such facilities, assistance and data as will enable the council to carry out its duties.

(7) The council shall report its progress and findings to the Education Committees of the House of Representatives and the Senate, the Agriculture Committees of the House of Representatives and the Senate, the Public Health and Human Services Committee of the House of Representatives, the Public Health and Welfare Committee of the Senate, or any successor committees, on or before January 1, 2015, and once annually in each following year in which the council is convened.

(8) The provisions of this section shall stand repealed from and after July 1, 2015.

**SOURCES:** Laws, 2013, ch. 464, § 1, eff from and after passage (approved March 26, 2013.)

## § 69-1-353. Definitions.

For purposes of Sections 69-1-351 and 69-1-353, the following terms shall have the meanings herein ascribed unless the context clearly indicates otherwise:

(a) “Council” means the Interagency Farm to School Council created in Section 69-1-351.

(b) “Farm to school program” means any commercial relationship where a school purchases locally grown or locally raised agricultural products to serve in school meals and can include educational programs for students on local agriculture and nutrition;

(c) “Locally grown or locally raised agricultural products” means any food products grown on Mississippi farms or gardens, and includes, but is not limited to, fruits, vegetables, and nuts grown in Mississippi, meat, poultry, eggs, dairy, fish, seafood and other aquatic products produced in Mississippi, and products processed into value-added products that are grown or produced in Mississippi;

(d) “School” means any K-12 accredited public or private institution for learning and also includes public and private preschools.

**SOURCES:** Laws, 2013, ch. 464, § 2, eff from and after passage (approved March 26, 2013.)

CERTIFICATES OF FREE SALE FOR AGRICULTURAL PRODUCTS  
EXPORTED FROM MISSISSIPPI

SEC.

69-1-371.

Purpose.

69-1-373.

Definitions.

69-1-375.

Certificates of free trade for agricultural products grown or manufactured in, or distributed and sold from Mississippi; contents of request for certificate.

**§ 69-1-371. Purpose.**

A certificate of free sale is sometimes required for agricultural products from Mississippi to enter importing states and foreign countries. Persons exporting products from Mississippi are often asked by importing states and foreign countries to supply a certificate for products registered with or regulated by the Mississippi Department of Agriculture and Commerce. The purpose of Sections 69-1-371 through 69-1-375 is to authorize the Mississippi Department of Agriculture and Commerce to issue a certificate of free sale for agricultural products and those products registered with or regulated by the department for the purpose of exporting these products from Mississippi.

**SOURCES:** Laws, 2013, ch. 509, § 1, eff from and after passage (approved April 23, 2013.)

**§ 69-1-373. Definitions.**

As used in Sections 69-1-371 through 69-1-375:

(a) “Agricultural products” means, but is not limited to, any agricultural commodity or product, whether raw or processed, including any commodity or product derived from livestock that is marketed for human or livestock consumption or products that are used for agricultural purposes such as fertilizers and soil and plant amendments.

(b) “Department” means the Mississippi Department of Agriculture and Commerce.

**SOURCES:** Laws, 2013, ch. 509, § 2, eff from and after passage (approved April 23, 2013.)

**§ 69-1-375. Certificates of free trade for agricultural products grown or manufactured in, or distributed and sold from Mississippi; contents of request for certificate.**

(1) The department is authorized to issue certificates of free sale for products grown or manufactured in Mississippi or distributed and sold from Mississippi. The business must be in good standing with the Mississippi Secretary of State’s office.

(2) All requests for certificates must be in writing and shall contain at least the following information:



- (a) The name under which the business is conducted and/or licensed;
- (b) The physical address where the business is conducted;
- (c) The type of operation conducted by the requesting establishment;
- (d) The product's full, common or usual name of the product, the name of the manufacturer and the size of the product. Each product size shall be submitted as a separate product. Products on the certificate will be listed exactly as submitted;
- (e) The country or countries to where the product is being shipped; and
- (f) The number of certificates requested.

(3)(a) Labeling information, promotional information, website information, master formulas, marketing clearance letters, distribution records, and advertising affixed to, accompanying, or relating to the products may be required to be submitted for each product upon request by the department.

If labeling is in a foreign language, applicant shall provide English translation. Labeling information shall be in final format. Label prototypes and drafts shall not be accepted.

(b) The certificate will list the product name, the manufacturer's name, and the product size, if applicable.

(4) The department assumes no legal liability by issuing these certificates, but merely serves to promote the export of agricultural products from the State of Mississippi.

**SOURCES:** Laws, 2013, ch. 509, § 3, eff from and after passage (approved April 23, 2013.)

CHAPTER 2

Mississippi Farm Reform Act

General Provisions .....	69-2-1
--------------------------	--------

GENERAL PROVISIONS

SEC.	
69-2-13.	Emerging Crops Fund; loans for agribusinesses and small business concerns; loans for planning and development districts; program to assist minority business enterprises; loans for regional crafts projects; financing agribusiness programs; funds for rehabilitation, maintenance and advertising of Mississippi Farmers Central Market; program of loan guaranties on behalf of qualified nonprofit entities designated as community development financial institutions to encourage financing for loans in low-income communities; grants to certain agribusiness enterprises processing, drying, storing or shipping peanuts; program of loan guaranties on behalf of certain sweet potato growing and farming agribusinesses.

**§ 69-2-13. Emerging Crops Fund; loans for agribusinesses and small business concerns; loans for planning and development districts; program to assist minority business enterprises; loans for regional crafts projects; financing agribusiness programs; funds for rehabilitation, maintenance and advertising of Mississippi Farmers Central Market; program of loan guaranties on behalf of qualified nonprofit entities designated as community development financial institutions to encourage financing for loans in low-income communities; grants to certain agribusiness enterprises processing, drying, storing or shipping peanuts; program of loan guaranties on behalf of certain sweet potato growing and farming agribusinesses.**

(1) There is hereby established in the State Treasury a fund to be known as the “Emerging Crops Fund,” which shall be used to pay the interest on loans made to farmers for nonland capital costs of establishing production of emerging crops on land in Mississippi, and to make loans and grants which are authorized under this section to be made from the fund. The fund shall be administered by the Mississippi Development Authority. A board comprised of the directors of the authority, the Mississippi Cooperative Extension Service, the Mississippi Small Farm Development Center and the Mississippi Agricultural and Forestry Experiment Station, or their designees, shall develop definitions, guidelines and procedures for the implementation of this chapter. Funds for the Emerging Crops Fund shall be provided from the issuance of bonds or notes under Sections 69-2-19 through 69-2-37 and from repayment of interest loans made from the fund.

(2)(a) The Mississippi Development Authority shall develop a program which gives fair consideration to making loans for the processing and manufacturing of goods and services by agribusiness, greenhouse production horticulture, and small business concerns. It is the policy of the State of Mississippi that the Mississippi Development Authority shall give due recognition to and shall aid, counsel, assist and protect, insofar as is possible, the interests of agribusiness, greenhouse production horticulture, and small business concerns. To ensure that the purposes of this subsection are carried out, the Mississippi Development Authority shall loan not more than One Million Dollars (\$1,000,000.00) to finance any single agribusiness, greenhouse production horticulture, or small business concern. Loans made pursuant to this subsection shall be made in accordance with the criteria established in Section 57-71-11.

(b) The Mississippi Development Authority may, out of the total amount of bonds authorized to be issued under this chapter, make available funds to any planning and development district in accordance with the criteria established in Section 57-71-11. Planning and development districts which receive monies pursuant to this provision shall use such monies to make loans to private companies for purposes consistent with this subsection.

(c) The Mississippi Development Authority is hereby authorized to engage legal services, financial advisors, appraisers and consultants if needed to review and close loans made hereunder and to establish and assess reasonable fees including, but not limited to, liquidation expenses.

(3)(a) The Mississippi Development Authority shall, in addition to the other programs described in this section, provide for the following programs of loans to be made to agribusiness or greenhouse production horticulture enterprises for the purpose of encouraging thereby the extension of conventional financing and the issuance of letters of credit to such agribusiness or greenhouse production horticulture enterprises by private institutions. Monies to make such loans by the Mississippi Development Authority shall be drawn from the Emerging Crops Fund.

(b) The Mississippi Development Authority may make loans to agribusiness or greenhouse production horticulture enterprises. The amount of any loan to any single enterprise under this paragraph (b) shall not exceed twenty percent (20%) of the total cost of the project for which financing is sought or Two Hundred Thousand Dollars (\$200,000.00), whichever is less. No interest shall be charged on such loans, and only the amount actually loaned shall be required to be repaid. Repayments shall be deposited into the Emerging Crops Fund.

(c) The Mississippi Development Authority also may make loans under this subsection (3) to existing agribusiness or greenhouse production horticulture enterprises for the purpose of assisting such enterprises to make upgrades, renovations, repairs and other improvements to their equipment, facilities and operations, which shall not exceed Two Hundred Thousand Dollars (\$200,000.00) or thirty percent (30%) of the total cost of the project for which financing is sought, whichever is less. No interest shall be charged on loans made under this paragraph, and only the amount actually loaned shall be required to be repaid. Repayments shall be deposited into the Emerging Crops Fund.

(d) The maximum aggregate amount of loans that may be made under this subsection (3) to any one (1) agribusiness shall be not more than Four Hundred Thousand Dollars (\$400,000.00).

(4)(a) Through June 30, 2010, the Mississippi Development Authority may loan or grant to qualified planning and development districts, and to small business investment corporations, bank-based community development corporations, the Recruitment and Training Program, Inc., the City of Jackson Business Development Loan Fund, the Lorman Southwest Mississippi Development Corporation, the West Jackson Community Development Corporation, the East Mississippi Development Corporation, and other entities meeting the criteria established by the Mississippi Development Authority (all referred to hereinafter as “qualified entities”), funds for the purpose of establishing loan revolving funds to assist in providing financing for minority economic development. The monies loaned or granted by the Mississippi Development Authority shall be drawn from the Emerging Crops Fund and shall not exceed Twenty-nine Million Dollars (\$29,000,000.00) in



the aggregate. Planning and development districts or qualified entities which receive monies pursuant to this provision shall use such monies to make loans to minority business enterprises consistent with criteria established by the Mississippi Development Authority. Such criteria shall include, at a minimum, the following:

(i) The business enterprise must be a private, for-profit enterprise.

(ii) If the business enterprise is a proprietorship, the borrower must be a resident citizen of the State of Mississippi; if the business enterprise is a corporation or partnership, at least fifty percent (50%) of the owners must be resident citizens of the State of Mississippi.

(iii) The borrower must have at least five percent (5%) equity interest in the business enterprise.

(iv) The borrower must demonstrate ability to repay the loan.

(v) The borrower must not be in default of any previous loan from the state or federal government.

(vi) Loan proceeds may be used for financing all project costs associated with development or expansion of a new small business, including fixed assets, working capital, start-up costs, rental payments, interest expense during construction and professional fees related to the project.

(vii) Loan proceeds shall not be used to pay off existing debt for loan consolidation purposes; to finance the acquisition, construction, improvement or operation of real property which is to be held primarily for sale or investment; to provide for, or free funds, for speculation in any kind of property; or as a loan to owners, partners or stockholders of the applicant which do not change ownership interest by the applicant. However, this does not apply to ordinary compensation for services rendered in the course of business.

(viii) The maximum amount that may be loaned to any one (1) borrower shall be Two Hundred Fifty Thousand Dollars (\$250,000.00).

(ix) The Mississippi Development Authority shall review each loan before it is made, and no loan shall be made to any borrower until the loan has been reviewed and approved by the Mississippi Development Authority.

(b) For the purpose of this subsection, the term “minority business enterprise” means a socially and economically disadvantaged small business concern, organized for profit, performing a commercially useful function which is owned and controlled by one or more minorities or minority business enterprises certified by the Mississippi Development Authority, at least fifty percent (50%) of whom are resident citizens of the State of Mississippi. Except as otherwise provided, for purposes of this subsection, the term “socially and economically disadvantaged small business concern” shall have the meaning ascribed to such term under the Small Business Act (15 USCS, Section 637(a)), or women, and the term “owned and controlled” means a business in which one or more minorities or minority business enterprises certified by the Mississippi Development Authority own sixty percent (60%) or, in the case of a corporation, sixty percent (60%) of the



voting stock, and control sixty percent (60%) of the management and daily business operations of the business. However, an individual whose personal net worth exceeds Five Hundred Thousand Dollars (\$500,000.00) shall not be considered to be an economically disadvantaged individual.

From and after July 1, 2010, monies not loaned or granted by the Mississippi Development Authority to planning and development districts or qualified entities under this subsection, and monies not loaned by planning and development districts or qualified entities, shall be deposited to the credit of the sinking fund created and maintained in the State Treasury for the retirement of bonds issued under Section 69-2-19.

(c) Notwithstanding any other provision of this subsection to the contrary, if federal funds are not available for commitments made by a planning and development district to provide assistance under any federal loan program administered by the planning and development district in coordination with the Appalachian Regional Commission or Economic Development Administration, or both, a planning and development district may use funds in its loan revolving fund, which have not been committed otherwise to provide assistance, for the purpose of providing temporary funding for such commitments. If a planning and development district uses uncommitted funds in its loan revolving fund to provide such temporary funding, the district shall use funds repaid to the district under the temporarily funded federal loan program to replenish the funds used to provide the temporary funding. Funds used by a planning and development district to provide temporary funding under this paragraph (c) must be repaid to the district's loan revolving fund no later than twelve (12) months after the date the district provides the temporary funding. A planning and development district may not use uncommitted funds in its loan revolving fund to provide temporary funding under this paragraph (c) on more than two (2) occasions during a calendar year. A planning and development district may provide temporary funding for multiple commitments on each such occasion. The maximum aggregate amount of uncommitted funds in a loan revolving fund that may be used for such purposes during a calendar year shall not exceed seventy percent (70%) of the uncommitted funds in the loan revolving fund on the date the district first provides temporary funding during the calendar year.

(d) If the Mississippi Development Authority determines that a planning and development district or qualified entity has provided loans to minority businesses in a manner inconsistent with the provisions of this subsection, then the amount of such loans so provided shall be withheld by the Mississippi Development Authority from any additional grant funds to which the planning and development district or qualified entity becomes entitled under this subsection. If the Mississippi Development Authority determines, after notifying such planning and development district or qualified entity twice in writing and providing such planning and development district or qualified entity a reasonable opportunity to comply, that a planning and development district or qualified entity has consistently failed

to comply with this subsection, the Mississippi Development Authority may declare such planning and development district or qualified entity in default under this subsection and, upon receipt of notice thereof from the Mississippi Development Authority, such planning and development district or qualified entity shall immediately cease providing loans under this subsection, shall refund to the Mississippi Development Authority for distribution to other planning and development districts or qualified entities all funds held in its revolving loan fund and, if required by the Mississippi Development Authority, shall convey to the Mississippi Development Authority all administrative and management control of loans provided by it under this subsection.

(e) If the Mississippi Development Authority determines, after notifying a planning and development district or qualified entity twice in writing and providing copies of such notification to each member of the Legislature in whose district or in a part of whose district such planning and development district or qualified entity is located and providing such planning and development district or qualified entity a reasonable opportunity to take corrective action, that a planning and development district or qualified entity administering a revolving loan fund under the provisions of this subsection is not actively engaged in lending as defined by the rules and regulations of the Mississippi Development Authority, the Mississippi Development Authority may declare such planning and development district or qualified entity in default under this subsection and, upon receipt of notice thereof from the Mississippi Development Authority, such planning and development district or qualified entity shall immediately cease providing loans under this subsection, shall refund to the Mississippi Development Authority for distribution to other planning and development districts or qualified entities all funds held in its revolving loan fund and, if required by the Mississippi Development Authority, shall convey to the Mississippi Development Authority all administrative and management control of loans provided by it under this subsection.

(5) The Mississippi Development Authority shall develop a program which will assist minority business enterprises by guaranteeing bid, performance and payment bonds which such minority businesses are required to obtain in order to contract with federal agencies, state agencies or political subdivisions of the state. The Mississippi Development Authority may secure letters of credit, as determined necessary by the authority, to guarantee bid, performance and payment bonds pursuant to this subsection. Monies for such program shall be drawn from the monies allocated under subsection (4) of this section to assist the financing of minority economic development and shall not exceed Three Million Dollars (\$3,000,000.00) in the aggregate. The Mississippi Development Authority may promulgate rules and regulations for the operation of the program established pursuant to this subsection. For the purpose of this subsection (5), the term "minority business enterprise" has the meaning assigned such term in subsection (4) of this section.

(6) The Mississippi Development Authority may loan or grant to public entities and to nonprofit corporations funds to defray the expense of financing

(or to match any funds available from other public or private sources for the expense of financing) projects in this state which are devoted to the study, teaching and/or promotion of regional crafts and which are deemed by the authority to be significant tourist attractions. The monies loaned or granted shall be drawn from the Emerging Crops Fund and shall not exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) in the aggregate.

(7) Through June 30, 2006, the Mississippi Development Authority shall make available to the Mississippi Department of Agriculture and Commerce funds for the purpose of establishing loan revolving funds and other methods of financing for agribusiness programs administered under the Mississippi Agribusiness Council Act of 1993. The monies made available by the Mississippi Development Authority shall be drawn from the Emerging Crops Fund and shall not exceed One Million Two Hundred Thousand Dollars (\$1,200,000.00) in the aggregate. The Mississippi Department of Agriculture and Commerce shall establish control and auditing procedures for use of these funds. These funds will be used primarily for quick payment to farmers for vegetable and fruit crops processed and sold through vegetable processing plants associated with the Department of Agriculture and Commerce and the Mississippi State Extension Service.

(8) From and after July 1, 1996, the Mississippi Development Authority shall make available to the Mississippi Small Farm Development Center One Million Dollars (\$1,000,000.00) to be used by the center to assist small entrepreneurs as provided in Section 37-101-25, Mississippi Code of 1972. The monies made available by the Mississippi Development Authority shall be drawn from the Emerging Crops Fund.

(9) [Repealed]

(10) The Mississippi Development Authority shall make available to the Small Farm Development Center at Alcorn State University funds in an aggregate amount not to exceed Three Hundred Thousand Dollars (\$300,000.00), to be drawn from the cash balance of the Emerging Crops Fund. The Small Farm Development Center at Alcorn State University shall use such funds to make loans to producers of sweet potatoes and cooperatives anywhere in the State of Mississippi owned by sweet potato producers to assist in the planting of sweet potatoes and the purchase of sweet potato production and harvesting equipment. A report of the loans made under this subsection shall be furnished by January 15 of each year to the Chairman of the Senate Agriculture Committee and the Chairman of the House Agriculture Committee.

(11) The Mississippi Development Authority shall make available to the Mississippi Department of Agriculture and Commerce "Make Mine Mississippi" program an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00) to be drawn from the cash balance of the Emerging Crops Fund.

(12) The Mississippi Development Authority shall make available to the Mississippi Department of Agriculture and Commerce an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00) to be drawn from the cash balance of the Emerging Crops Fund to be used for the rehabilitation and



maintenance of the Mississippi Farmers Central Market in Jackson, Mississippi.

(13) The Mississippi Development Authority shall make available to the Mississippi Department of Agriculture and Commerce an amount not to exceed Twenty-five Thousand Dollars (\$25,000.00) to be drawn from the cash balance of the Emerging Crops Fund to be used for advertising purposes related to the Mississippi Farmers Central Market in Jackson, Mississippi.

(14)(a) The Mississippi Development Authority shall, in addition to the other programs described in this section, provide for a program of loan guaranties to be made on behalf of any nonprofit entity qualified under Section 501(c)(3) of the Internal Revenue Code and certified by the United States Department of the Treasury as a community development financial institution for the purpose of encouraging the extension of financing to such an entity which financing the entity will use to make funds available to other entities for the purpose of making loans available in low-income communities in Mississippi. Monies to make such loan guaranties by the Mississippi Development Authority shall be drawn from the Emerging Crops Fund and shall not exceed Two Million Dollars (\$2,000,000.00) in the aggregate. The amount of a loan guaranty on behalf of such an entity under this subsection (14) shall not exceed Two Million Dollars (\$2,000,000.00). Assistance received by an entity under this subsection (14) shall not disqualify the entity from obtaining any other assistance under this chapter.

(b) An entity desiring assistance under this subsection (14) must submit an application to the Mississippi Development Authority. The application must include any information required by the Mississippi Development Authority.

(c) The Mississippi Development Authority shall have all powers necessary to implement and administer the program established under this subsection (14), and the Mississippi Development Authority shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this subsection (14).

(15)(a) The Mississippi Development Authority shall, in addition to the other programs described in this section, provide for a program of grants to agribusiness enterprises that process, dry, store or ship peanuts and if the enterprise has invested prior to April 17, 2009, a minimum of Six Million Dollars (\$6,000,000.00) in land, facilities and equipment in this state that are utilized to process, dry, store or ship peanuts. Monies to make such grants by the Mississippi Development Authority shall be drawn from the Emerging Crops Fund and shall not exceed One Million Dollars (\$1,000,000.00) in the aggregate. The amount of a grant under this subsection (15) shall not exceed One Million Dollars (\$1,000,000.00).

(b) An entity desiring assistance under this subsection (15) must submit an application to the Mississippi Development Authority. The application must include a description of the project for which assistance is requested, the cost of the project for which assistance is requested, the

amount of assistance requested and any other information required by the Mississippi Development Authority.

(c) As a condition of the receipt of a grant under this subsection (15), an entity must agree to remain in business in this state for not less than five (5) years and must meet other conditions established by the Mississippi Development Authority to ensure that the assistance results in an economic benefit to the state. The Mississippi Development Authority shall require that binding commitments be entered into requiring that:

(i) The minimum requirements provided for in this subsection (15) and the conditions established by the Mississippi Development Authority are met; and

(ii) If such commitments and conditions are not met, all or a portion of the funds provided pursuant to this subsection (15) shall be repaid.

(d) The Mississippi Development Authority shall have all powers necessary to implement and administer the program established under this subsection (15), and the Mississippi Development Authority shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this subsection (15).

(16)(a) The Mississippi Development Authority, in addition to the other programs described in this section, shall provide for a program of loan guaranties to be made on behalf of certain agribusinesses engaged in sweet potato growing and farming for the purpose of encouraging thereby the extension of conventional financing and the issuance of letters of credit to such agribusinesses by lenders. The amount of a loan guaranty made on behalf of such an agribusiness shall be ninety percent (90%) of the amount of assistance made available by a lender for the purposes authorized under this subsection (16). Monies to make such loan guaranties by the Mississippi Development Authority shall be drawn from the Emerging Crops Fund and shall not exceed Seventeen Million Dollars (\$17,000,000.00) in the aggregate.

(b) In order to be eligible for assistance under this subsection (16) an agribusiness must:

(i) Have been actively engaged in sweet potato growing and farming in this state before January 1, 2010;

(ii) Have incurred a disaster-related loss for sweet potato growing and farming purposes for calendar year 2009, as determined by a lender;

(iii) Agree to obtain and maintain federal Noninsured Agricultural Program (NAP) insurance coverage for the outstanding balance of any assistance received under this subsection (16); and

(iv) Satisfy underwriting criteria established by a lender related to loans under this subsection (16).

(c)(i) An entity desiring assistance under this subsection must submit an application for assistance to a lender not later than August 1, 2010. The application must include:

1. Information verifying the length of time the applicant has been actively engaged in sweet potato growing and farming in this state;

2. Information regarding the number of acres used by the applicant for sweet potato growing and farming purposes during the 2009 calendar year, as certified to by the Farm Services Authority (FSA) or the Mississippi Department of Agriculture and Commerce (MDAC), and the number of acres the applicant intends to use for such purposes during the 2010 calendar year;

3. The average cost per acre incurred by the applicant for sweet potato growing and farming purposes during the 2009 calendar year, as certified to by the FSA or MDAC, and an estimate of the average cost per acre to be incurred by the applicant for such purposes during the calendar year for which application is made;

4. The amount of assistance requested;

5. A statement from the applicant agreeing that he will obtain and maintain NAP insurance coverage for the outstanding balance of any assistance received under this subsection (16); and

6. Any other information required by the lender and/or the MDA.

(ii) The lender shall review the application for assistance and determine whether the applicant qualifies for assistance under this subsection (16). If the lender determines that the applicant qualifies for assistance, the lender shall loan funds to the applicant subject to the provisions of this subsection (16).

(d) Loans made under this subsection (16) shall be subject to the following conditions:

(i) The maximum amount of a loan to a borrower shall not exceed One Thousand Seven Hundred Dollars (\$1,700.00) per acre and shall exclude any machinery and equipment costs.

(ii) The proceeds of a loan may be used only for paying a borrower's sweet potato planting, production and harvesting costs, excluding machinery and equipment costs.

(iii) The proceeds of a loan may not be used to repay, satisfy or finance existing debt.

(iv) The time allowed for repayment of a loan shall not be more than five (5) years, and there shall be no penalty, fee or other charge imposed for the prepayment of a loan.

(e) The receipt of assistance by a person or other entity under any other program described in this section shall not disqualify the person or entity from obtaining a loan under the program established in this subsection (16) if the person or entity is otherwise eligible under this program. In addition, the receipt of a loan by a person or other entity under the program established under this subsection (16) shall not disqualify the person or entity from obtaining assistance under any other program described in this section.

(f) The Mississippi Development Authority shall have all powers necessary to implement and administer the program established under this subsection (16), and the Mississippi Development Authority shall promulgate rules and regulations, in accordance with the Mississippi Administra-



tive Procedures Law, necessary for the implementation of this subsection (16).

**SOURCES:** Laws, 1987, ch. 482, § 7; Laws, 1988, ch. 580, § 19; Laws, 1989, ch. 524, § 29; Laws, 1990, ch. 570, § 18; Laws, 1991, ch. 584, § 6; Laws, 1992, ch. 548, § 11; Laws, 1993, ch. 548, § 8; Laws, 1993, ch. 619, § 9; Laws, 1994, ch. 560, § 4; Laws, 1995, ch. 548, § 10; Laws, 1996, ch. 553, § 5; Laws, 1997, ch. 582, § 1; Laws, 1998, ch. 536, § 9; Laws, 2000, ch. 584, § 4; Laws, 2000, ch. 620, § 1; Laws, 2001, ch. 540, § 1; Laws, 2002, ch. 536, § 1; Laws, 2003, ch. 504, § 1; Laws, 2004, ch. 360, § 1; Laws, 2004, 3rd Ex Sess, ch. 1, § 95; Laws, 2006, ch. 564, § 1; Laws, 2007, ch. 586, § 1; Laws, 2008, ch. 506, § 6; Laws, 2009, ch. 557, § 31; Laws, 2010, ch. 429, § 1; Laws, 2010, ch. 511, § 27; Laws, 2011, ch. 420, § 1; Laws, 2012, ch. 415, § 1; Laws, 2013, ch. 386, § 1, eff from and after July 1, 2013.

**Amendment Notes** — The 2013 amendment deleted the automatic reverter provision, which would have become effective July 1, 2014.

### CHAPTER 3

#### Agricultural Seeds

Article 1.	Sales .....	69-3-1
------------	-------------	--------

#### ARTICLE 1.

#### SALES.

SEC.	
69-3-6.	Seed inspection fees.
69-3-25.	Penalties.
69-3-29.	Administrative procedures; applicability.

### § 69-3-6. Seed inspection fees.

(1) The department may establish seed inspection fees, prescribe and furnish forms, and require the filing of reports necessary for the payment of the inspection fees. The department may inspect the record of any seedsman during the normal hours of business operation as it deems necessary.

(2) All fees collected under this section shall be deposited into a special fund in the State Treasury. The department may expend the monies in the fund by an annual appropriation approved by the Legislature for the support of the Seed Division of the Bureau of Plant Industry.

(3) Every seedsman who sells or distributes seed for sale, whether in bulk or in containers, within or into Mississippi for planting purposes, shall be assessed a seed inspection fee as required by the department.

(4) Every seedsman must:

(a) Pay an inspection fee on the total number of pounds of seed sold or otherwise distributed for sale within or into the state. Payment of the seed inspection fees shall be the responsibility of the seedsman initiating the first sale of seed within or into the state;



(b) Maintain records, as required by the department, that accurately reflect the total pounds of seed subject to the fees that are handled, sold or offered, or distributed for sale;

(c) File quarterly reports on forms provided or approved by the department, covering the total pounds of all sales of seed subject to the fee and sold during the preceding quarter. The reports and fees due shall be filed with the department no later than thirty (30) days following the end of each calendar quarter.

(5) A seedsman who does not file the quarterly report by the due date shall pay a penalty fee as provided by the regulations of the department. The penalty fee shall be waived if the seedsman obtains prior written approval from the department for a late filing and complies with the late filing requirements.

(6) If a seedsman does not comply with all the requirements of this section, the commissioner may suspend the seedsman's permit until the seedsman is in compliance.

**SOURCES:** Laws, 2005, ch. 453, § 1; Laws, 2009, ch. 319, § 1; Laws, 2013, ch. 407, § 1, eff from and after July 1, 2013.

**Amendment Notes** — The 2013 amendment deleted “notarized” following “File quarterly” in (4)(c).

## § 69-3-25. Penalties.

Any person who violates any provision of this article or the rules and regulations made and promulgated thereunder shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall pay a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment.

**SOURCES:** Codes, 1942, § 4397-12; Laws, 1964, ch. 204, § 12; Laws, 2000, ch. 623, § 7; Laws, 2005, ch. 453, § 3; Laws, 2013, ch. 407, § 2, eff from and after July 1, 2013.

**Amendment Notes** — The 2013 amendment deleted “knowingly, or as a result either of gross negligence or of a failure to make a reasonable effort to inform himself of the pertinent facts” following “Any person who”, substituted “article” for “act,” and substituted “more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment” for “less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00). Nothing in this act shall be construed as requiring the Commissioner to recommend prosecution for minor violations of this act or the rules and regulations made and promulgated thereunder whenever he believes that the public interest will be adequately served by suitable written notice or warning.”

## § 69-3-29. Administrative procedures; applicability.

(1) Whenever it has been alleged that any person or other entity has violated any of the provisions of this article, or any of the rules or regulations

promulgated hereunder, the matter shall be conducted as an administrative proceeding under the terms and conditions of Sections 69-25-51 through 69-25-63, and where found culpable, such person or other entity shall be subject to the administrative and civil penalties provided therein.

(2) The procedures described herein shall not apply to seed arbitration claims which are described in Sections 69-3-20 through 69-3-22, as such claims shall be governed by the procedures set forth in those statutes.

**SOURCES:** Laws, 2000, ch. 623, § 8; Laws, 2013, ch. 407, § 3, eff from and after July 1, 2013.

**Amendment Notes** — The 2013 amendment added (1); deleted former (1) through (4) and redesignated former (5) as (2); and substituted “69-3-20 through 69-3-22” for “Section 69-3-19” and made a related minor stylistic change.

## CHAPTER 5

### Fairs; Stock Shows; Improvement of Livestock

Article 1.	Mississippi Fair Commission and State Fair Grounds ..	69-5-1
Article 3.	Stock Shows and Improvement of Livestock .....	69-5-101

#### ARTICLE 1.

#### MISSISSIPPI FAIR COMMISSION AND STATE FAIR GROUNDS.

SEC.	
69-5-31.	Mississippi Fair Commission authorized to hire certain law enforcement officers to provide security on state fairgrounds; powers, duties and responsibilities of officers.

### **§ 69-5-31. Mississippi Fair Commission authorized to hire certain law enforcement officers to provide security on state fairgrounds; powers, duties and responsibilities of officers.**

(1) The Mississippi Fair Commission is authorized to hire and designate area law enforcement officers on a contractual basis to provide security and to enforce all laws of the State of Mississippi on the Mississippi State Fairgrounds Complex. All officers must have attended and satisfactorily completed the training course required for law enforcement officers at the Law Enforcement Officer's Training Academy or an equivalent facility. All officers must be current with this certification. A complete record of all law enforcement training of each employee will be maintained in each employee's record of employment. Furthermore, the Mississippi Fair Commission may enter into a contract with any certified law enforcement officer to provide security to the Mississippi Fair Commission with jurisdiction to enforce all laws of the State of Mississippi on property known as the “Mississippi State Fairgrounds Complex” and any and all of its outlying buildings and property.

(2)(a) All officers while in performance of their duty on the premises or at any of the facilities under the direction or control of the Mississippi State

Fair Commission and public property immediately adjacent to such facilities shall:

(i) Be required to dress in uniforms prescribed by the Mississippi State Fair Commission; and

(ii) Be authorized to carry weapons.

(b) Employees designated as officers shall be duly sworn and vested with authority to bear arms and make arrests, and shall exercise primarily the responsibilities of the prevention and detection of crime, the apprehension of criminals, and the enforcement of the ordinances and policies of the Mississippi State Fair Commission, a political subdivision of the State of Mississippi. Employees designated as such officers shall be considered law enforcement officers within the meaning of Section 45-6-3.

**SOURCES:** Laws, 2013, ch. 357, § 1, eff from and after passage (approved March 18, 2013.)

### ARTICLE 3.

#### STOCK SHOWS AND IMPROVEMENT OF LIVESTOCK.

SEC.

69-5-107. Dairy shows.

#### § 69-5-107. Dairy shows.

Dairy shows shall be held, in addition to the livestock shows, each fall at Verona in Lee County, at Newton in Newton County, Tylertown in Walthall County, and at Purvis in Lamar County, and each summer at the Neshoba County Fair in Neshoba County, and any person in the state is entitled to participate in any of the dairy shows. The dairy shows shall be supervised and handled in the same manner as provided for livestock shows in Section 69-5-105, and each of the five (5) dairy shows herein provided for shall receive such part of the monies appropriated for the Mississippi Livestock Show as shall be specified in the act making such appropriation.

**SOURCES:** Codes, 1942, § 4905; Laws, 1938, ch. 183; Laws, 1940, ch. 217; Laws, 1946, ch. 251, §§ 1-6; Laws, 1948, chs. 195 (paragraph 4, *supra*) 218 (paragraph 2, *supra*); Laws, 1968, ch. 244, § 1; Laws, 1971, ch. 346, § 1; Laws, 1972, ch. 359, § 1; Laws, 1973, ch. 300, § 1 (d); Laws, 1979, ch. 335, § 1; Laws, 1995, ch. 370, § 2; Laws, 2002, ch. 476, § 1; Laws, 2013, ch. 349, § 1, eff from and after passage (approved March 18, 2013.)

**Amendment Notes** — The 2013 amendment substituted “Purvis in Lamar County” for “Columbia in Marion County” preceding “and each summer at the Neshoba County Fair” in the first sentence.



## CHAPTER 7

## Markets and Marketing; Domestic Fish Farming

Article 13.	Catfish Marketing .....	69-7-601
-------------	-------------------------	----------

## ARTICLE 13.

## CATFISH MARKETING.

## SEC.

69-7-607.	Labeling of catfish and fish products; notice of country of origin; method of notification; record-keeping audit trail; commissioner authorized to inspect businesses for compliance; exceptions.
-----------	---

**§ 69-7-607. Labeling of catfish and fish products; notice of country of origin; method of notification; record-keeping audit trail; commissioner authorized to inspect businesses for compliance; exceptions.**

(1) Notice of country of origin.

(a) General requirements:

(i) All retailers of catfish and fish products, as defined in Section 69-7-605, shall inform consumers, at the final point of sale of the catfish or fish to the consumers, of the country of origin of the catfish or fish;

(ii) United States country of origin. A retailer of catfish or fish products may designate the catfish or fish as having a United States country of origin only if:

1. In case of "Farm-raised Catfish or Farm-raised Fish," it is hatched, raised, harvested and processed in the United States;

2. In case of "River or Lake Catfish or River or Lake Fish," it is:

a. Harvested in waters of the United States, a territory of the United States or a state, including the waters thereof; and

b. Processed in the United States, a territory of the United States or a state, including the waters thereof;

(iii) Farm-raised and River or Lake Catfish, Farm-raised and River or Lake Fish. The notice of country of origin for "Farm-raised Catfish," or "Farm-raised Fish," and "River or Lake Catfish" or "River or Lake Fish" shall distinguish between "Farm-raised Catfish" and "River or Lake Catfish" or "Farm-raised Fish" and "River or Lake Fish."

(b) Method of notification.

(i) Retailers.

1. The information required by paragraph (a) of subsection (1) of this section may be provided to consumers by means of a label, stamp, mark, placard or other clear and visible sign on the catfish or fish or on the package, display, holding unit or bin containing the catfish or fish at the final point of sale to consumers.



2. If the catfish or fish is already individually labeled for retail sale regarding country of origin, the retailer shall not be required to provide any additional information to comply with this section.

(ii) Food service establishments. The information required by paragraph (a) of subsection (1) of this section shall be provided to the consumer on the menu of the food service establishment. For foreign or imported catfish or fish, the information shall be adjacent to the item on the menu and printed in the same font style and size as the item. If the food service establishment offers for sale only catfish or fish having a United States country of origin, then the food service establishment may generally disclose this in a prominent location in the food service establishment in lieu of disclosure on the menu. The signage disclosing the sale of catfish or fish having a United States country of origin, that is to be placed in a prominent location in the food service establishment, shall be approved by the Mississippi Department of Agriculture and Commerce, which shall be held harmless in a cause of action for a retail or food service establishment's failure to disclose or fraudulent disclosure. Any liability arising from failure to disclose country of origin shall remain with the wholesaler and the retail or food service establishment.

(c) The commissioner may require that any person that prepares, stores, handles or distributes catfish or fish for retail sale maintain a verifiable record-keeping audit trail that permits the commissioner to verify compliance with this law and any regulations promulgated hereunder.

(d) Any distributor or wholesaler engaged in the business of supplying catfish or fish to a retailer or food service establishment shall provide information to the retailer or food service establishment indicating the country of origin of the catfish or fish. The information shall include certification of origin through a state or federal agency that regulates the processing of catfish or fish or through a federal agency that verifies that catfish or fish and/or other products produced in countries other than the United States meets similar sanitation requirements.

(2) Any advertising as to any catfish or fish product shall state the information required in paragraph (a) of subsection (1) of this section.

(3) The term "catfish" shall not be used as a common name or in the label name of fish product except as provided in this section.

(4) The commissioner shall have authority to enter the premises of any wholesaler, processor, distributor, retailer or any other person selling catfish or fish products in order to determine compliance with this article.

(5) This section shall not apply to catfish or fish products exported out of the United States.

**SOURCES:** Laws, 1975, ch. 308, § 4, eff 180 days from and after passage (approved February 14, 1975); Laws, 2002, ch. 506, § 2; Laws, 2004, ch. 377, § 2; Laws, 2008, ch. 449, § 3; reenacted without change, Laws, 2010, ch. 304, § 5; Laws, 2013, ch. 371, § 1, eff from and after July 1, 2013.

**Amendment Notes** — The 2013 amendment inserted all references to “and fish,” “or fish,” “Farm-raised Fish,” “River or Lake Fish” and “Farm-raised and River or Lake Fish” throughout the section; inserted “as defined in Section 69-7-605” in (1)(a)(i), and deleted “as indicated by a stamp or seal” following “shall be approved” in the next-to-last sentence of (1)(b)(ii).

## CHAPTER 25

### Plants, Plant and Bee Diseases

Article 2.	Administrative Hearing Procedure for Bureau of Plant Industry .....	69-25-51
------------	---	----------

#### ARTICLE 2.

#### ADMINISTRATIVE HEARING PROCEDURE FOR BUREAU OF PLANT INDUSTRY.

SEC.	
69-25-51.	Alleged violation of rules and regulations of Bureau of Plant Industry; right to hearing; Director of the Bureau of Plant Industry as reviewing officer; determination; penalty.

### **§ 69-25-51. Alleged violation of rules and regulations of Bureau of Plant Industry; right to hearing; Director of the Bureau of Plant Industry as reviewing officer; determination; penalty.**

(1) When any administrative allegation or charge is made against a person for violating the rules and regulations of the Bureau of Plant Industry of the Mississippi Department of Agriculture and Commerce or the laws under Sections 69-3-1 through 69-3-29, Sections 69-19-1 through 69-19-15, Sections 69-21-101 through 69-21-128, Sections 69-23-1 through 69-23-135, Sections 69-25-1 through 69-25-47 or Sections 69-25-101 through 69-25-109, Mississippi Code of 1972, the Director of the Bureau of Plant Industry, or his designee, shall act as the reviewing officer. The complaint must be in writing, signed by the person making the charge, and filed in the Office of the Bureau of Plant Industry. The department shall send a copy of the complaint and any supporting documents to the person accused along with a summons requiring the accused to respond to the allegations within thirty (30) days. The notification shall be accomplished by any of the methods provided for in Rule 4 of the Mississippi Rules of Civil Procedure or by certified mail. If the accused does not respond within the thirty-day period, he shall be considered to be in default. Upon receipt of the response and any supporting documents from the accused, the reviewing officer shall determine the merits of the complaint. The reviewing officer may meet informally with the accused and discuss the alleged violation with him.

(2) If the reviewing officer determines that the complaint lacks merit, he may dismiss the complaint.

(3) If the reviewing officer determines that there is substantial evidence that a violation has occurred or if the accused admits to the truth of the

allegations upon which the complaint is based, the reviewing officer may impose an appropriate penalty on the accused, which may be any or all of the following:

- (a) Issue a warning letter.
- (b) Suspend, modify, deny, cancel or revoke any license or permit granted by the department to the accused.
- (c) Issue a stop sale order with regard to any pesticide, plant or other material regulated by the department that is mislabeled or otherwise not in compliance with applicable law or regulations.
- (d) Require the accused to relabel any pesticide, plant or other material regulated by the department that is mislabeled.
- (e) Seize any pesticide, plant or other material regulated by the department and sell, destroy or otherwise dispose of the material and apply the proceeds of the sale to the state's expenses and any fees or penalties levied under this article.
- (f) Refuse to register, cancel or suspend the registration of a pesticide, plant or other material that is not in compliance with any applicable law or regulation.
- (g) Levy a civil penalty in an amount not to exceed Five Thousand Dollars (\$5,000.00) for each violation.

In determining the amount of the penalty, the reviewing officer shall consider the appropriateness of the penalty for the particular violation, the effect of the penalty on the person's ability to continue in business and the gravity of the violation.

(4) If the accused requests a hearing with the department, in writing, within thirty (30) days from receipt of the decision of the reviewing officer, the commissioner shall appoint three (3) members of the advisory board to the Bureau of Plant Industry to act as a hearing committee and a hearing shall be scheduled. If the accused fails to request a hearing within the thirty-day period, the decision of the reviewing officer is final.

**SOURCES:** Laws, 1992, ch. 474, § 1; Laws, 2005, ch. 533, § 1; Laws, 2008, ch. 353, § 1; Laws, 2009, ch. 515, § 17; Laws, 2012, ch. 502, § 2; Laws, 2013, ch. 407, § 4, eff from and after July 1, 2013.

**Amendment Notes** — The 2013 amendment inserted "Sections 69-3-1 through 69-3-29" in the first sentence of (1).

# Index

---

## A

### **AGRICULTURE.**

#### **Exports.**

Certificates of free sale for agricultural products, §§69-1-371 to 69-1-375.

**Interagency farm to school council,** §69-1-351.

Definitions, §69-1-353.

### **ALCOHOLIC BEVERAGES.**

#### **Distillers and distributors.**

Tasting or sampling, conditions, §67-1-46.

## B

### **BOARDS AND COMMISSIONS.**

**Mississippi fair commission,** §§69-5-1 to 69-5-31.

## E

### **EXPORTS AND IMPORTS.**

#### **Agricultural products.**

Certificates of free sale for agricultural products, §§69-1-371 to 69-1-375.

## F

### **FAIRS.**

**Mississippi fair commission,** §§69-5-1 to 69-5-31.

## L

### **LIGHT WINE AND BEER.**

**Homemade wine or beer,** §67-3-11.

## M

### **MISSISSIPPI FAIR COMMISSION,**

§§69-5-1 to 69-5-31.

## S

### **SCHOOLS AND EDUCATION.**

**Farm to school council,** §69-1-351.

Definitions, §69-1-353.

### **SECURITY GUARDS.**

#### **State fairgrounds.**

Mississippi fair commission, authority to hire law enforcement officers, §69-5-31.

### **STATE FAIR.**

**Mississippi fair commission,** §§69-5-1 to 69-5-31.







